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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,435

09/15/2005

Heather R. Schramm

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EXAMINER

KASENGE, CHARLES R

ART UNIT

PAPER NUMBER

2121

MAIL DATE

DELIVERY MODE

06/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,435	Applicant(s) SCHRAMM ET AL.	
	Examiner CHARLES R. KASENGE	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 33-44 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-31 and 33-44 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to because Fig. 1 should be more legible. The elements of element 14 are hard to read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 5 is objected to because of the following informalities: in line 1, “volatile dispensing system” should be “volatile substance dispensing system” for consistency throughout the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8, 10-26, 29-31, 33-36 and 38-44 rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama et al. U.S. Patent 6,282,458 in view of Wiseman, Sr. et al. U.S. Patent 6,379,242. Regarding claims 1, 8, 10, 12, 21, 26, 33- 36 and 38-40, Murayama discloses a volatile substance dispensing system comprising: a plurality of electromechanical volatile substance dispensers, each configured to emit a volatile substance from a replaceable volatile substance reservoir when the reservoir is loaded in the dispensing system so as to communicate the volatile substance to each respective dispenser (Fig. 1, # 102; Fig. 6, #A 1-A16); a programmable microprocessor for controlling the emission of different volatile substances from the plurality of dispensers (col. 4 and 5, lines 63-30); and a memory card reading device for reading program information from a replaceable memory card (col. 9, lines 22-37), wherein the replaceable memory card comprises information relating to one or more programs for instructing the microprocessor to control volatile substance emission from the plurality of dispensers in a

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coordinated manner (col. 9, lines 22-37; Fig. 16C). Murayama does not expressly disclose a knob for controlling the volatile substance emission or mode lever that enables a user to switch between programs.

Wiseman discloses the use of a knob for controlling the volatile substance emission and a mode lever that enables a user to switch between programs (Fig. 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a knob for controlling the volatile substance and a lever to switch modes for a dispensing system. One of ordinary skill in the art would have been motivated to do this in order to provide a user friendly interface for controlling the dispensing system.

Regarding claims 2, 13, 22, 29 and 41, Murayama discloses a volatile substance dispensing system according to claim 1, wherein the dispensing system further includes a continuous action air freshener (col. 6, lines 1-19).

Regarding claims 3, 11, 14, 23, 30 and 42, Murayama discloses a volatile substance dispensing system according to claim 1, wherein the volatile substance is selected from the group consisting of fragrance, insect repellent, insecticide, disinfectant, sanitizer, and water (col. 6, lines 1-19).

Regarding claims 4, 16, 24, 31 and 43, Murayama discloses a volatile substance dispensing system according to claim 1, further comprising a sensor for sensing at least one of light intensity, airborne chemicals, humidity, sound, motion, and temperature, wherein the microprocessor controls the emission of the volatile substances at least partially based on information relating to a sensed condition output from the sensor (col. 9, lines 4-21).

Regarding claims 5, 17, 25, 32 and 44, Murayama discloses a volatile substance dispensing system according to claim 1, further comprising a user interface, wherein the user interface allows a user to instruct the microprocessor to control the emission of the volatile substances (col. 6, lines 15-19).

Regarding claim 18, Murayama discloses a volatile substance dispensing system according to claim 12, wherein the microprocessor controls the plurality of volatile substance dispensers (i) to emit intermittent bursts of a first volatile substance over a first period of time, (ii) to emit intermittent bursts of a second volatile substance over a second period of time following the first period of time, and (iii) to repeat the first and second periods (col. 9, lines 22-37; Fig. 16C).

Regarding claim 19, Murayama discloses a volatile substance dispensing system according to claim 12, wherein the microprocessor controls the plurality of volatile substance dispensers to emit repeatedly (i) intermittent bursts of a first combination of volatile substances from different reservoirs over a first period of time, and (ii) intermittent bursts of a second combination of volatile substances from different reservoirs over a second period of time (col. 9, lines 22-37; Fig. 16C).

Regarding claim 20, Murayama discloses a volatile substance dispensing system according to claim 12, wherein the microprocessor controls the plurality of volatile substance dispensers to emit repeatedly (i) intermittent bursts of a combination of volatile substances from different reservoirs over a first period of time, and (ii) intermittent bursts of a single volatile substance from one reservoir over a second period of time (col. 9, lines 22-37; Fig. 16C).

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6. Claims 6, 9, 28 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama and Wiseman. Murayama does not expressly disclose a volatile substance dispensing system wherein the memory card is a flash memory device.

Official notice is taken that the use of flash memory was well known at the time the invention was made in the analogous art of data storage.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use flash memory to store data. One of ordinary skill in the art would have been motivated to do this in order to have increased portability of the storage means.

Therefore, it would have been obvious to modify Murayama and Wiseman to obtain the invention as specified in claims 6, 9, 28 and 37.

7. Claims 7 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama and Wiseman. Murayama does not expressly disclose the reading device being a barcode scanner.

Official notice is taken that the reading data off a barcode as opposed to reading data of a memory card was well known at the time the invention was made in the analogous art of data storage.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to alternately use a barcode as opposed to a memory card. One of ordinary skill in the art would have been motivated to do to have an alternative way to store data for the dispensing system.

Therefore, it would have been obvious to modify Murayama and Wiseman to obtain the invention as specified in claim 27.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES R. KASENGE whose telephone number is (571)272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK
June 17, 2008

/Charles R Kasenge/
Primary Examiner, Art Unit 2121